

SENATOR ABBODD: Mr. President, colleagues, I've handed out a copy of the docket sheet for this particular case, Mr. VanDolah. He...this issue...he appeared before the committee in making a request for the difference between the amount of money that he received from his own insurance company and the amount of money that he had on the car. The issue boils down to his car was smashed during a windstorm. I have photos here, if anyone would like to stop by. It was a Plymouth automobile. And he had insurance, his own insurance on the car. The insurance company that he had, his own insurance company paid for the fair market value of the automobile, it was a Plymouth, and his own insurance company paid the fair market value for the car since it was totaled out. The amount that's being requested here, the \$1,240.72, was the difference between what his insurance company paid for the total car versus the amount that he had...the amount of his loan on the automobile. Sometimes, for whatever reason, either financing reasons or...mostly just financing reasons they extend the loan out for longer periods of time. There is a difference between fair market value and loan value. He was required by his...by the, I believe it was Norwest that had the note, to pay a certain amount of money, and the difference between the two was the \$1,240.72. This issue was taken up before the agency with the Department of Corrections. They denied him. The Risk Manager recommended denial. Both of those requests for denial was based on the fact that they felt there was no negligence on the part of the state because the tree, the photos show that the tree was a...I believe it was a Maple, and they had...it had green leaves on it and there was...it was still alive. But the agency, as well as the Risk Manager, as well as the State Claims Board felt that they should deny the claim because there was no liability for the state. I was sympathetic to his plight and probably, if he hadn't been compensated for the automobile, the fair market value of the automobile, I probably would have voted to make recommendation, which probably was in violation of our laws. But I was sympathetic to his cause. But since he had received the...the fair market value of the automobile I didn't feel that he was entitled to the additional difference between the loan value and the value of the car. This was heard before the committee, as I said, the committee voted to deny the claim, and it was in the bill, LB 1363, that was indefinitely postponed, so this claim was denied. I'll be happy to answer any questions. I would recommend voting against the Bohlke amendment.

SPEAKER WITHEM: Thank you, Senator Abboud. Senator Chambers.